

OFFICE OF THE SHERIFF MCDOWELL COUNTY

Operational Policy #: 0108

SUBJECT: Evidence Collection and Control

Date of Issue: March 21, 2000

Review Date: February, 2001

POLICY:

Evidence will be collected, preserved and disposed of in compliance with existing federal and state legal requirements. All evidence taken into custody will be properly secured, stored and retrieved. The chain of custody will be preserved at all times. Any changes in the status of evidence will be fully documented.

DEFINITIONS:

Evidence Room:

The evidence room is a secure location (**Room Number 383 of the Office of Sheriff, McDowell County Law Enforcement Center**) in which all evidence are stored.

Chain of Custody:

Chain of custody is documentation of persons who have had physical custody or control of evidence.

Biodegradable or Perishable Items:

Evidence such as human remains, food, bodily fluids, etc.

Category I Evidence:

The following is designated as Category I Evidence and will be collected, handled and stored as such in accordance with policy stated herein:

- A. Evidence from any crime scene involving a possible homicide.
- B. Evidence from any crime scene involving a possible Class A, B, C, D or E, felony.
- C. All perishable evidence requiring refrigeration.
- D. All cash money collected as evidence.

- E. Controlled substances in amounts sufficient for a charge of trafficking. **Category II**

Evidence - All other evidence Other Non-Departmental Property:

Property which has been found by departmental personnel, property that has been left at the department by a citizen who found it and desires assistance in locating the rightful owner, property obtained during the course of an investigation which has no evidentiary value, property such as a weapon which has been confiscated to prevent its use in assaulting a person or damaging property.

PROCEDURES :

I. Collection of Evidence.

- A. The first deputy arriving at the scene of the crime will be responsible for the protection and preservation of any and all physical evidence. This deputy will remain responsible for all evidence until relieved by a supervisor or authorized investigating personnel.

- B. Latent prints, sketches and/or physical evidence will be collected whenever a serious crime(s) (such as arson, homicide, rape, robbery or serious assault) has been committed, or as otherwise directed by a supervisor.

- C. Photographs of the crime scene will be made at all major crime scenes or as otherwise directed by a supervisor.

1)Photographs of the scene should be taken from a variety of angles.

2)The designated photographer will maintain a record of each photograph taken. The following information will also be recorded:

- a)Case Number.
- b)Date, time and location
- c)Type of camera and film used
- d)Lighting
- e)Photographers name
- f)Description of photograph

D. Sketches will be made of major crime scenes or otherwise directed by a supervisor.
Sketches will include the following:

- 1)Case number
- 2)Exact address, apartment number, name(s) and location of victim(s) as discovered at the scene
- 3)Dimensions of the room or building
- 4)Locations of seized evidence
- 5)Location of the crime scene in relation to other rooms, building, roads, etc
- 6)Name of person who prepared the sketch
- 7)Time and date of sketch
- 8)The direction of north on the sketch, and
- 9)An indication of the scale of the drawing as it relates to the actual scene.

E. Latent prints will taken whenever necessary unless circumstances dictate otherwise.

G. Should it be decided that evidence will not be taken from the scene, the deputy or investigator will be responsible for documenting the reasons for the decision on the initial incident/log report or on a separate report.

H. When collected, evidence will be tagged with the collector's name, date, time, location of the discovery and case number. This is to be accomplished prior to placing evidence in storage.

- 1)All evidence will be separated and placed in it's own container whenever possible.
- 2)All cash monies will be counted. A second deputy will verify the amount counted. The money will be sealed in a secure container. The name of the second person counting the money will be indicated on the container. Cash money will be stored as Category I Evidence.
- 3)All evidence will be transported from the crime scene to storage or impoundment as soon as possible. An exception is green marijuana which will be photographed and destroyed as soon as practical.

II. Recording of evidence

A. All items collected as evidence will be listed on a North Carolina Internal Records Form # DCIIR 205 (green sheet).

Disposition of this form will be as follows:

Original - Will be turned into Records section of the McDowell County Sheriffs Office and a master file will be maintained.

1st Copy - Will be attached to item of evidence (if applicable).

2nd Copy – Will be kept in the investigating officer's file.

This form will be submitted with the incident/log report and should be turned in at the end of the officer's work shift but no later than next working day.

B. The individual turning all evidence over for storage will ensure the information in H above is accurately recorded on the evidence tag and securely attached to the evidence item. III. Storage.

A. All evidence will be stored in Room 383 of the McDowell County Law Enforcement Center. Temporary storage (overnight storage) is authorized in Rooms 385 and 386. Patrol Shift Supervisors are designated as Custodians of Evidence for Temporary Storage. Day Shift Supervisors will store evidence temporarily in Room 385 and Evening Patrol Shift Supervisors will store evidence temporarily in Room 386. Each deputy will collect, identify, mark and place evidence for temporary storage in an appropriate container. Shift Supervisors will open the applicable temporary storage room to permit the deputy to place evidence in temporary storage. Keys for opening Room 383 (Evidence Room) are maintained by the **Chief Deputy, Chief, Investigations Division and Chief, Patrol Division only. Evidence placed in temporary storage will be transferred to Room 383 as soon as possible but not later than 24 hours following its collection. Evidence will not be secured in vehicles or personal residences.**

One of the key holders for Room 383, identified above, will be contacted by the Shift Supervisor and deputy having custody of evidence for the purpose of securing the evidence in Room 383 in accordance with this policy directive.

B. The Chief, Investigations Division is the custodian for all Category I Evidence. All Category I Evidence will be secured within the inner vault of the evidence room (Room 383). The Evidence Custodian for Category I Evidence will be responsible for receiving, storing, maintaining, releasing, and accounting for all Category I evidence. The custodian will secure a key to the inner vault in a sealed envelope, appropriately marked for identification and security by the custodian, for maintenance by the Chief Deputy. The Chief Deputy is responsible for insuring that this key is maintained under lock and for emergency purposes only opened in the presence of the Sheriff, or in his absence in the presence of the Chief, Patrol Division **for emergency access to the inner vault.**

C. All non-Category I Evidence will be stored in evidence bins located within Room 383. Each investigator of the Office of Sheriff will be assigned a storage/evidence bin and will place his/her locking device on his/or evidence bin. Patrol Shifts will be assigned a storage/evidence bin within Room 383 for storage of evidence. The custodian for the key to each bin assigned to a Patrol Shift will be the Shift Supervisor. Within the Patrol Shift Bin, each deputy will maintain his/her evidence appropriately identified and secured.

D. Deputies not specifically assigned to the Patrol or Investigations Division will utilize the storage/evidence bin assigned to the Chief, Civil Division. The custodian of the Civil Division storage/evidence bin is the Chief, Civil Division.

E. Evidence of a hazardous nature shall be packaged and stored in accordance with Sheriff's Office policy and OSHA guidelines. Such substances may include items which may have been exposed to or contaminated with communicable diseases, hazardous chemicals, explosives and other highly combustible products.

F. All hypodermic needles and other sharp objects shall be stored in a manner that will not harm anyone. Deputies should use tubes designed specifically for the storage of these items when appropriate.

G. All firearms will be stored **UNLOADED unless circumstances exist that would interfere with the examination of the evidence.** All weapons stored in a **LOADED** condition shall be marked "**LOADED.**" Whenever possible, semi automatic weapons should be placed in a "locked open" or "opened" condition, with all ammunition clips removed. Extreme caution will be used when handling all firearms and other hazardous items.

IV. Sending Evidence to Outside Laboratories

- A. All evidence sent to any laboratory must be packaged to the specifications on the front of the examination request form. A Request for Examination of physical Evidence form will be completed by the Investigative Officer and enclosed with the evidence.
- B. It shall be the responsibility of the Investigating Officer to see that evidence is properly transported to the laboratory.
- C. All receipts for evidence sent to a laboratory will be filed out by the Investigating Officer.
- D. At the completion of the analysis, all returned evidence will be forwarded to the Investigating Officer. The Investigating Officer will be responsible for securing evidence back into storage properly.

V. Preservation of Biodegradable or Perishable Materials.

- A. All biodegradable or perishable materials will be sent to the appropriate laboratory as soon as possible.
- B. Items that cannot be sent immediately must be stored to prevent spoilage according to laboratory guidelines.

VI. Removing Evidence from Storage

- A. Deputies may remove evidence from storage for use in court or investigation purposes.
- B. Deputies removing Category I Evidence for any purpose will sign for the evidence and indicate the purpose of the removal. All appropriate forms will be signed to maintain "chain of custody."
- C. All evidence removed from storage will be returned by the deputy upon completion of the purpose for which it was removed.
- D. Should it be necessary to leave any evidence with the court, the deputy removing the evidence will secure a signed receipt from an official of the court and return it to the evidence custodian as soon as possible.

VII. Disposal of Evidence

A. In arrest cases, deputies are responsible for requesting court disposition of evidence items that are involved in their cases.

B. In cases which do not reach judicial authority, the District Attorney may authorize disposition in accordance with GS 15-11 .l(a).

C. A supplemental report must be written before the items are released, with a copy of the report sent to the records custodian (Use the narrative section of the DCIIR 205 form). Any Officer releasing any item should obtain the original DCI IR 205 form for the master file if possible. If a new DCI IR 205 form is used the officer releasing property will notify records custodian so the new form can be attached to the original form.

D. All items of evidence that have been ordered destroyed by the court/or is of unknown disposition will be turned over to the Chief of Investigation for proper disposal in accordance with general status. The Chief of Investigation will secure items in evidence vault until such time that a proper disposition or destruction can be made.

E. The Chief of Investigations in the presence of a witnessing official has the ultimate responsibility for disposal of evidence. The disposal of evidence is mandated by statute, specific court order, and/or McDowell County Office of Sheriff policy. Items of no value and/or unlawful items will be destroyed. Items of value will be returned to the rightful owner, if ownership can be established. Items of value for which rightful ownership cannot be established will be sold at public auction.

F. The disposition of all evidence will be recorded on the form DCI IR 205 and delivered to the records custodian.

G. Evidence will be disposed of at periodic intervals.

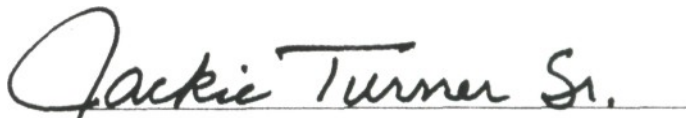
VIII. Accountability of Other Non-Departmental Property

A. Vehicles for impound will be accounted for in compliance with Operational Policy 0107 (Vehicle Towing and Impoundment.)

B. All other non-departmental property will be secured by the deputy involved or deputy responsible for the incident/investigation wherein the property came to be in the custody of this department.

C. Property of a non-evidentiary nature will be receipted for utilizing **DCIR Form 205 (North Carolina Internal Records-Recovered/Found Property Report.)** A log Report will be used to indicate the circumstances under which the property was received. This property will be safeguarded in the same manner as evidence property and will be stored in the same facility, i.e., Room 383. Under no circumstances will property of this nature be placed in Room 383 without the use of DCIR Form 205. Upon the return of this property to the rightful owner or other authorized individual, the DCIR Form 205 will be utilized to indicate disposition. Evidence and/or non-departmental property which is too large or which contains combustible materials or is otherwise not suitable for storage in Room 383 will be stored within the secure area of the perimeter fence of McDowell County Law Enforcement Center.

By Order Of:

A handwritten signature in black ink that reads "Jackie Turner Sr." followed by a horizontal line.

Jackie D. Turner, Sr Sheriff

THIS POLICY SUPERSEDES OPERATIONAL POLICY # 0108, SUBJECT: EVIDENCE COLLECTION AND CONTROL, DATED AUG 24,1995. THIS DOCUMENT IS TO BE MAINTAINED IN THE POLICY AND PROCEDURES MANUAL OF EACH EMPLOYEE OF THE OFFICE OF SHERIFF.